



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CUSTOMIZED FOOD SELECTION, ORDERING AND DISTRIBUTION SYSTEM AND METHOD.**

The specification of which was filed on February 9, 2001 as application serial no. 09/780,273.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/181,282	February 9, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
09/699,622	October 29, 2000	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Haack, John L.	Reg. No. 36,154	O'Toole, John A.	Reg. No. 28,336
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Beekman, Marvin L.	Reg. No. 38,377	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Bianchi, Timothy E.	Reg. No. 39,610	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Billion, Richard E.	Reg. No. 32,836	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Black, David W.	Reg. No. 42,331	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Leoniede M.	Reg. No. 35,832	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clark, Barbara J.	Reg. No. 38,107	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embreton, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530	Nelson, Albin J.	Reg. No. 28,650	Taylor, Douglas J.	Reg. No. 32,945
Gortych, Joseph E.	Reg. No. 41,791	Nielsen, Walter W.	Reg. No. 25,539		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Barrie R. Froseth

Citizenship: United States of America
Post Office Address: 4120 Ximines Lane N.
Plymouth, MN 55441

Residence: Plymouth, MN

Signature: Barrie R. Froseth

Date: 6-13-01

Barrie R. Froseth

Full Name of joint inventor number 2 : Raymond Bowers

Citizenship: United States of America
Post Office Address: 320 Xircon Lane, North
Plymouth, MN 55447

Residence: Plymouth, MN

Signature: Raymond Bowers

Date: 6/13/01

Raymond Bowers

X Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Katy P. Dickson

Citizenship: United States of America
Post Office Address: 7100 Sunshine Drive
Eden Prairie, MN 55346

Residence: Eden Prairie, MN

Signature: Katy P. Dickson
Katy P. Dickson

Date: 12 Jun 01

Full Name of joint inventor number 4 : Mike E. Geddes

Citizenship: United States of America
Post Office Address: 11520 44th Place North
Plymouth, MN 55442

Residence: Plymouth, MN

Signature: Mike E. Geddes
Mike E. Geddes

Date: 6/13/01

Full Name of joint inventor number 5 : Myer Meyer Joy

Citizenship: United States of America
Post Office Address: rue des fosses, #27
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Residence: Switzerland

Signature: Myer Meyer Joy

Date: _____

Full Name of joint inventor number 6 : Paul Muller

Citizenship: United States of America
Post Office Address: 19325 Waterford Place
Shorewood, MN 55331-7006

Residence: Shorewood, MN

Signature: Paul Muller
Paul Muller

Date: 6/13/2001

Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 7 : Kimberly A. Nelson

Citizenship: United States of America
Post Office Address: 14405-8th Avenue North
Plymouth, MN 55447

Residence: Plymouth, MN

Signature: Kimberly A. Nelson

Kimberly A. Nelson

Date: 6/18/01

Full Name of joint inventor number 8 : Lisa R. Schroeder

Citizenship: United States of America
Post Office Address: 10620-38th Avenue North
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Residence: Plymouth, MN

Signature: Lisa R. Schroeder

Lisa R. Schroeder

Date: 6/13/01

Full Name of joint inventor number 9 : Sheri M. Schellhaass

Citizenship: United States of America
Post Office Address: 610 Queensland Lane N.
Plymouth, MN 55447

Residence: Plymouth, MN

Signature: Sheri M. Schellhaass

Sheri M. Schellhaass

Date: 6/11/01

Full Name of joint inventor number 10 : Jeffrey D. Thoresen Severts

Citizenship: United States of America
Post Office Address: 415 West 50th Street
Minneapolis, MN 55419

Residence: Minneapolis, MN

Signature: Jeffrey D. Thoresen Severts

Jeffrey D. Thoresen Severts

Date: 6/20/01

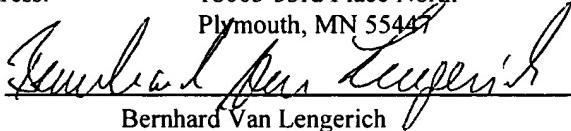
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Full Name of joint inventor number 11 : Bernhard Van Lengerich

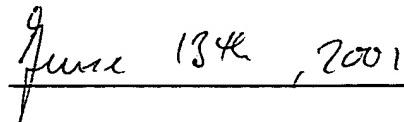
Citizenship: Germany Residence: Plymouth, MN
Post Office Address: 18005-33rd Place North
Plymouth, MN 55441

Signature:



Bernhard Van Lengerich

Date:

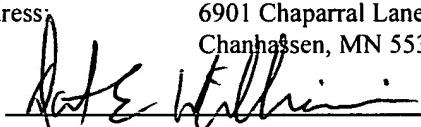


June 13 01, 2001

Full Name of joint inventor number 12 : David E. Williams

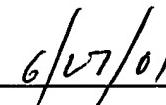
Citizenship: United States of America Residence: Chanhassen, MN
Post Office Address: 6901 Chaparral Lane
Chanhassen, MN 55317

Signature:



David E. Williams

Date:

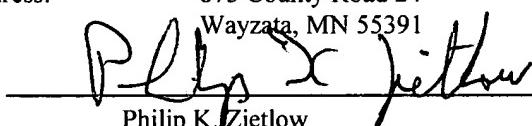


6/17/01

Full Name of joint inventor number 13 : Philip K. Zietlow

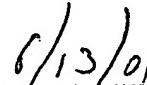
Citizenship: United States of America Residence: Wayzata, MN
Post Office Address: 875 County Road 24
Wayzata, MN 55391

Signature:



Philip K. Zietlow

Date:



6/13/01

Full Name of inventor:

Citizenship: _____ Residence: _____
Post Office Address: _____

Signature:

Date:

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CUSTOMIZED FOOD SELECTION, ORDERING AND DISTRIBUTION SYSTEM AND METHOD.**

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Application Number

60/181,282

Filing Date

February 9, 2000

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Application Number

09/699,622

Filing Date

October 29, 2000

Status

Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Haack, John L.	Reg. No. 36,154	O'Toole, John A.	Reg. No. 28,336
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
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Bianchi, Timothy E.	Reg. No. 39,610	Jackson Huesch, Katharine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Billion, Richard E.	Reg. No. 32,836	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
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Gortych, Joseph E.	Reg. No. 41,791	Nielsen, Walter W.	Reg. No. 25,539		

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Full Name of joint inventor number 1 : **Barrie R. Froseth**

Citizenship: **United States of America**
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Residence: **Plymouth, MN**

Signature: _____

Barrie R. Froseth

Date: _____

Full Name of joint inventor number 2 : **Raymond Bowers**

Citizenship: **United States of America**
Post Office Address: **320 Xircon Lane, North
Plymouth, MN 55447**

Residence: **Plymouth, MN**

Signature: _____

Raymond Bowers

Date: _____

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 869.018US1
 Serial No. 09/780,273
 Filing Date: February 9, 2001

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Full Name of joint inventor number 3 : Katy P. Dickson

Citizenship: United States of America
 Post Office Address: 7100 Sunshine Drive
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Residence: Eden Prairie, MN

Signature: Katy P. Dickson

Date: 12 Jun 01

Full Name of joint inventor number 4 : Mike E. Gaddis

Citizenship: United States of America
 Post Office Address: 11520 44th Place North
 Plymouth, MN 55441

Residence: Plymouth, MN

Signature: Mike E. Gaddis

Date: 6/13/01

Full Name of joint inventor number 5 : Mayer Joy

Citizenship: United States of America
 Post Office Address: rue des fosses, #27
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Residence: Switzerland

Signature: Mayer Joy

Date: 29 June 2001

Full Name of joint inventor number 6 : Paul Muller

Citizenship: United States of America
 Post Office Address: 19325 Waterford Place
 Shorewood, MN 55331-7006

Residence: Shorewood, MN

Signature: Paul Muller

Date: 6/13/2001

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Full Name of joint inventor number 7 : Kimberly A. Nelson

Citizenship: **United States of America**
Post Office Address: 14405-8th Avenue North
Plymouth, MN 55447

Residence: **Plymouth, MN**

Signature: _____ Date: _____

Kimberly A. Nelson

Full Name of joint inventor number 8 : Lisa R. Schroeder

Citizenship: **United States of America**
Post Office Address: 10620-38th Avenue North
Plymouth, MN 55441

Residence: **Plymouth, MN**

Signature: _____ Date: _____

Lisa R. Schroeder

Full Name of joint inventor number 9 : Sheri M. Schellhaass

Citizenship: **United States of America**
Post Office Address: 610 Queensland Lane N.
Plymouth, MN 55447

Residence: **Plymouth, MN**

Signature: _____ Date: _____

Sheri M. Schellhaass

Full Name of joint inventor number 10 : Jeffrey D. Thoresen Severts

Citizenship: **United States of America**
Post Office Address: 415 West 50th Street
Minneapolis, MN 55419

Residence: **Minneapolis, MN**

Signature: _____ Date: _____

Jeffrey D. Thoresen Severts

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Full Name of joint inventor number 11 : Bernhard Van Lengerich

Citizenship: Germany Residence: Plymouth, MN
Post Office Address: 18005-33rd Place North
Plymouth, MN 55447

Signature: _____ Date: _____

Bernhard Van Lengerich

Full Name of joint inventor number 12 : David E. Williams

Citizenship: United States of America Residence: Chanhassen, MN
Post Office Address: 6901 Chaparral Lane
Chanhassen, MN 55317

Signature: _____ Date: _____

David E. Williams

Full Name of joint inventor number 13 : Philip K. Zietlow

Citizenship: United States of America Residence: Wayzata, MN
Post Office Address: 875 County Road 24
Wayzata, MN 55391

Signature: _____ Date: _____

Philip K. Zietlow

Full Name of inventor:

Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.